IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2712 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NATIONAL TEXTILES CORPORATION LTD. - Petitioner(s)

Versus

STATE OF GUJ & 4 - Respondent(s)

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Appearance :

NANAVATI & NANAVATI for Petitioner(s) : 1,
MS. ARCHNA RAVAL, ASST. GOVERNMENT PLEADER for Respondent(s) : 1 - 2.
SERVED BY AFFIX.-(R) for Respondent(s) : 3,
MR GN SHAH for Respondent(s) : 4 - 5.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 20/12/2005

ORAL JUDGMENT

1.In this petition under Article 226 of the Constitution of India, the petitioner – National Textile Corporation (Gujarat) Limited has challenged the legality and

validity of the recovery notices and attachment notices for the recovery of non-agricultural assessment.

2. An affidavit-in-rejoinder is filed by the petitioner and it is submitted that during the pendency of the present Special Civil Application, the scheme under Section 18 of the Sick Industrial Companies (Special Provisions) Act; 1985 has been sanctioned with regard to the petitioner by the B.I.F.R. vide its order dated 19.2.2002 in case No.535 of 1992 and the said scheme is under implementation. Under the circumstances, it is submitted that in view of the implementation of the scheme sanctioned by the B.I.F.R., the petitioner is entitled to the protection under the provision of Section 22 of the Sick Industrial Companies (Special Provisions) Act; 1985. Under the circumstances, Ms. V.D.Nanavati, learned advocate appearing on behalf of the petitioner has submitted that now the parties are required to abide by the scheme sanctioned by the B.I.F.R.

3. Ms. Archna Rawal, learned AGP is not in a position to dispute that once the scheme under Section 18 of the aforesaid Act has been sanctioned, further proceedings

for recovery of the amount is required to be stayed considering the provisions of Section 22 of the Act of 1985. Under the circumstances and in view of the subsequent development, parties are directed to act as per the scheme sanctioned by the B.I.F.R. vide its order dated 19.2.2002 in case No.535 of 1992 and the petitioner is directed to furnish the copy of the scheme before the respondents within a period of 4 weeks from today and it is, further, directed to the parties to act as per the scheme sanctioned by the B.I.F.R. vide its order dated 19.2.2002 in case No.535 of 1992.

4.This petition is, accordingly, disposed of.

(M.R.SHAH, J.)

kdc.